



Committee on Public Works & Utilities and the Northampton City Council

Committee Members:

Councilor Jesse M. Adams

Councilor Dennis P. Bidwell

Councilor William H. Dwight

Councilor David A. Murphy

MEETING MINUTES

Date: March 28, 2016

Time: 4:00 pm

Location: City Council Chambers

212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call:** At 4:02 p.m. Councilor Adams called the meeting to order. Present at the meeting were: Councilors Adams, Dwight, Bidwell and Murphy. Also present from the City Council was Councilor Ryan R. O'Donnell. No other members of the City Council were present.
2. **Public Comment:** None
3. **Approve Minutes of Previous Meeting:** Councilor Dwight moved to approve the meeting minutes of February 29, 2016; Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.
4. **Items Referred to Committee**
 - a. **16.026 Petition from Northampton Residents to Accept Bottums Road as a Public Way - Referred to Committee on Feb. 4, 2016**

Councilor Dwight recounted that previously the City Council was asked to accept Bottums Road by petition. The measure passed first reading but failed second reading.

Subsequent information was provided by the DPW about the viability of Bottums Road as a city street. A number of residents contacted Councilor Dwight to ask if this could be revisited. This required the process to start all over again. Councilor Dwight attended the public hearing held by the Board of Public Works on March 23, 2016. There, information was given about the public access turnaround that had been made so that plowing and other maintenance of the street could be on-going. This turnaround has also been agreed to by the residents of the street. Everyone on the road concurred; after the hearing the BPW voted to accept Bottums Road as a city street with one abstention. The committee

reviewed the Planning Board's recommendation of Feb. 25, 2016 in which they voted unanimously not to recommend making Bottums Road a public street. The Planning Board recommendation was read into the record by the Administrative Assistant.

Councilor Murphy reviewed why the city was considering making private streets public ways. He noted that there is case law whereby it has been determined that the use of public funds to benefit private interests, including road maintenance and plowing, were prohibited by law. The specific example cited was in the town of Wellfleet. Northampton went through and determined that there were several private streets in which city services were provided; Bottums Road was one such street. There were many other "built-to-code" streets that were not accepted as well; half of Hillcrest Drive was one example. For over 100 years the residents, as well as the city, thought all of the roads were public ways. At the beginning of the process of street acceptances, the standard was set pretty high. By the end of the process, the standards had been revised. Councilor Murphy feels that the Council cannot discriminate against this street.

Councilor Dwight noted that there are a number of streets that have been accepted that do not conform to criteria that we currently have in place for subdivision development of streets: they are not the right gauge, they don't have the requisite curb cuts, they don't have sidewalks or granite curbing. The process of street acceptance was basically to reconcile a historical problem and that going forward, all future developments would have to abide by the current standards in place for street development. Councilor Dwight is surprised by the language of the Planning Board's decision.

Councilor Adams clarified that the city council had already weighed in on this measure and decided that Bottums Road should not be made a public way. He had originally felt as though the street looked more like a driveway.

Councilor Murphy stated that the defining factor for him was that the street was accepted as a street for the better part of 100 years.

Councilor Adams said that it made no sense that Center Court should not be a public street, but Bottums Road should be a public way.

Councilor Dwight believes that the Planning Board has already dealt with residents who wanted to have public accessibility by way of Bottums Road. He noted that the Planning Board would not grant accessibility via Bottums Road; the developers were compelled to build a separate driveway further down Clement Street. Bottums Road is not a two-lane way and is a dirt road. The city has continued to provide plowing during this past winter. The Planning Board authorized the building of those homes with the understanding that Bottums Road was a city street. The residents argument is that if not considered a public street, property values would diminish and that they purchased their homes with the understanding that the value of their home was linked to the fact it was built on a city street.

Councilor Murphy noted that residents on Bottums Road have been there since the 1980s. Developers were granted a building permit to build residential homes under the false assumption that Bottums Road was a public way.

Councilor Dwight noted that the difference between Center Court and Bottums Road was that the BPW voted to recommend Bottums Road as a public way, however, it voted not to recommend making Center Court a public way.

Councilor Murphy moved to return the petition back to the full city council with a positive recommendation; Councilor Dwight seconded the motion. The motion was approved on a voice vote of 3 Yes, 1 No (Councilor Adams).

b. 16.034 Ordinance Pertaining to Water Resources - Referred to Committee on March 3, 2016

City Council Vice-President Ryan O'Donnell was present to talk about the ordinance that he is proposing. The ordinance seeks to prevent privatizing the city's water supply. The ordinance is modeled after an ordinance that was enacted in Gloucester. That city took the ordinance one step further and added language into their charter to prevent privatizing of their water. The right built into their charter is a right of referendum; if the city looked to privatize their water infrastructure, then the measure would be voted upon by residents in the community. Last year, New Jersey Governor Chris Christie signed a bill into law that would allow for fast-tracking the privatization of public water systems in New Jersey. The "Water Infrastructure Protection Act" removes the public vote requirement to sell water systems throughout the state under emergency conditions.

Across the country there have been strained budgets and mounting financial pressures felt by municipalities. This has led to corporations taking over the infrastructure of a city's resources such as water. One place this happened was Atlanta Georgia. That municipality has since switched back because of problems associated with privatizing. One very good example of where privatizing failed is Flint Michigan. The results have been disastrous for that community. The poisoning of the water by lead is a direct result of emergency managers making a variety of decisions with very little public accountability and driven by the desire to save money without any concern for public health or well-being. Other examples of privatization of public services has been in the areas of education, transportation and utilities. However, he believes people would like the ability to continue to debate water and sewer rates and would prefer that such infrastructure remain with the city.

Councilor Dwight asked whether this ordinance was a prevention measure; Councilor O'Donnell noted that the city has a good water infrastructure system that the city should be proud of and should try to protect. Such an ordinance is a proactive measure to provide such protection. While the current mayor or city council may not look to privatize the water system, the ordinance would look to provide protection into the future.

Councilor O'Donnell shared the experience of privatizing Atlanta Georgia's water system. The city faced the high cost of its water infrastructure and also was facing the high cost of deferred maintenance. The city entered into contract with United Water. The company was able to provide the service at a lesser cost than the city. Private companies don't have to carry the same costs that government does. After a period of time, problems arose regarding the quality of the city's water and people inevitably raised concern about it

issue. Ultimately the contract between the city and the company ended after 4 years of a twenty year contract.

Councilor Bidwell supports the ordinance; he commented that the Committee on Community Resources reviewed the ordinance last week. He likes the idea of calling attention to this important piece of city infrastructure that is well run and produces great water. He also likes the idea of being proactive about protecting a valuable public resource and infrastructure.

Councilor Murphy moved to return the ordinance back to the full city council with a positive recommendation; Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

5. New Business: None

- 6. Adjourn:** At 4:40 p.m. Councilor Murphy moved to adjourn the meeting; Councilor Dwight seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Prepared By:

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